

b.) Remarks

Claims 1, 2, 4, 6-16, 39-42 and 46 are pending in this application. Claims 1 and 39 have been amended in various particulars as indicated hereinabove. New claim 46 has been added to alternatively define the invention. Please cancel claims 3, 17-20, 22-38, and 43-45 without prejudice or disclaimer.

Generally, a number of claim sets were cancelled to hopefully expedite prosecution, or in the alternative, narrow the issues on appeal.

Claims 1, 2, 6, 17, 18, 22, 31, 32 and 37-45 were rejected under 35 U.S.C. 102(e) as being anticipated by Foster *et al.* (U.S. Pat. Publ. No. 2003/0202536), (hereinafter Foster Non-Provisional). In a related rejection, claims 3, 4, 7-16, 19, 20, 23, 30, and 34-36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Foster *et al.* as applied to claim 1 above. These rejections are respectfully traversed for the following reasons.

The filing date of the Foster Non-Provisional is October 26, 2001. Thus, absent more, the Foster Non-Provisional would not be prior art to the present application, which was filed on July 31, 2001.

The Foster Non-Provisional, however, claims the benefit of several provisional applications. And we know, material in the Foster Non-Provisional may be cited against the patentability of present application only when that material is supported by at least one of those provisional applications that was filed before the filing date of the present application. This principle is explained in the Manual of Patent Examining Procedure MPEP at §706.02(f) (1). Specifically Rev. 5, Aug 2006 version of the MPEP provides at page 700-31 that:

For reference publications and patents of patent applications filed under 35 U.S.C. 111(a), the prior art dates under 35 U.S.C. 102(e) accorded to these references are the earliest effective U.S. filing dates. Thus, a publication and patent of a 35 U.S.C. 111(a) application, which claims “>benefit< under 35 U.S.C. 119(e) to a prior U.S. provisional application or claims the benefit under 35 U.S.C. 120 of a prior nonprovisional application, would be accorded the earlier filing date as its prior art date under 35 U.S.C. 102(e), assuming the earlier-filed application has proper support for the subject matter as required by 35 U.S.C. 119(e) or 120.

Thus, subject matter from the Foster Non-Provisional is only prior art to the present application when that subject matter is supported by an earlier filed one of the provisional applications to which it claims benefit.

In a previous Office Action, mailed March 17, 2006, it was argued that Provisional Application No. 60/287,075, which was filed on April 27, 2001 (hereinafter Cited Provisional), provided the necessary support for the portions of the Foster Non-Provisional. In total, pages 33-47, 53-54, 71-77, 146-167, and 259-268 of the Cited Provisional were cited as being relevant to this issue of support. The present claimed invention is neither anticipated nor obvious over those sections of the Cited Provisional. The Foster Non-Provisional and Cited Provisional concern a switch, rather than the claimed router. It is well known that switches and routers are different types of devices.

Nevertheless, to expedite prosecution, each of claims, including new claim 46, describes the blocking of the "second group". This feature as claimed is neither shown nor suggested in either the Foster Non-Provisional nor the Cited Provisional.

Withdrawal of the rejections is requested.

Applicants believe that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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